



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,144	03/31/2005	Bart Provoost	2003P00249WOUS	2964
7590 07/16/2008				
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				
EXAMINER				
WONG, JOSEPH D				
ART UNIT		PAPER NUMBER		
2168				
MAIL DATE		DELIVERY MODE		
07/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,144

Applicant(s)

PROVOOST, BART

Examiner

JOSEPH D. WONG

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20, 23-26, 36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20, 23-26, 36 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 38 is objected for having a minor article choice informality in the first word. This objection is necessitated by amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 40 is rejected under 35 U.S.C. 112, first paragraph, as not complying with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim appears to recite limitations not commensurate with paragraph [44] of the instant specification as published. The alleged new matter is "a most **requested web** page is displayed at a prioritized or prominent position on the **portal page**". Note that preliminarily amended claim 31 March 2005 has been compared with instant claim 40 and the preliminarily amended claim 27 recites insufficient specificity of information page and user interface for supporting instantly claimed specifics.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0, Epixtech.

As to claim 39, Epixtech teaches a method for setting up and updating a portal page for an end user (including a “patron”, A-4) to access web pages in a data network (including “internet”, P. 1-8, Table 1, Col. 2, Cell Row 5), wherein receiving a user data record from the end user (including “Add to my list”, P. 1-12), the user data record having features which describe a sought content for determining a web page, the web page includes an address of an associated content data record in a non-displayable area of the web page (met by hyperlink because the address is not displayed on the web page, P. 1-12), and the associated content record includes features describing a content on the respective web page (including “MARC bib record”, P. 4-33, paragraph 1) and an address of the respective web page (P. 4-33, Table 3, Col. 2, Cell Row 2); comparing the data fields of the content data record with the received user data record to determine a degree of match; dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and sending the dynamically generated portal page to a computer of a user in order to be displayed (P. 1-12, Fig.) (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1; also “Z39.50 connection”, P. 4-71, item #5; more notes cited in claim 17 supra).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20, 23, 24, 36, 38, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech, "IPAC System Administrator's Guide", 9 Jan 2002, Version 2.0, Epixtech in view of Gralla et al., "How the Internet Works", Dec. 1999, Que, hereinafter Gralla.

As to claim 17, Epixtech teaches a method for setting up and updating a user interface for a user to access information pages (including "web pages", P. 1-9, bullet #5) in a data network (including "internet", P. 3-91) via the portal page (interpreted to be top menu bar on P. 1-12); the requested web page includes an address of an address of a content data record in a non-displayable area of the web page (a web address of the URL is not explicitly displayed on the web page in Epixtech and thus the limitation is met), and the content data recording including information pertaining to the content of the retrieved web page (including "A player's handbook of short scenes", P. 1-13, item #10, Fig); accessing the content data record via the received address of the content data record in response to receiving the response message; (including item #10", P. 1-13, Fig.) storing data fields of the accessed content data record; (including "Add to

my list” button, P. 1-13, Fig.) receiving from the end user a user data record having features which describe a sought content for determining the web page; (P. 1-11, Fig.) comparing the stored data fields with the received user data record to determine a degree of match; (including “Limit by”, P. 1-12, Fig.) dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; (including “subscribe to Syndetics service”, Fig., P. 1-12 or “Add to my list” button, P. 1-12) and sending the dynamically generated portal page to the computer of the end user in order to be displayed (including hitting the “GO” button, P. 1-12 or “Add to my list” and “My List” buttons, P. 1-12, Fig; P. 1-15, Fig. showing “My List”).

However, Epixtech does not explicitly teach wherein receiving a first request message from a computer of the end user, the request message comprising an address of a web page to be accessed by the end user; sending a second request message to a web server in order to retrieve the requested web page; receiving a response message from the web server, the response message including the requested web page.

On the other hand, Gralla teaches receiving a first request message from a computer of the end user (including “#1 client browser”, P. 164), the request message comprising an address of a web page to be accessed by the end user (including “IP address”, P. 164, bottom of the page); sending a second request message to a web server in order to retrieve the requested web page (including other users shown on P. 169 or retransmission within the web server via CGI, P. 169 or “TCP/IP protocols built-in”, P. 163, paragraph 1 and retransmission of corrupted packets on P. 15, step 5); receiving a response message from the web server, the response message including the requested web page (step 3, P. 164).

Epixtech and Gralla are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Epixtech and Gralla because it provides for how web pages are published and organized on a site that is likely to be of interest as discussed in P. xi, paragraph 1.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Epixtech and Gralla because it provides for how web pages are published and organized on a site that is likely to be of interest as suggested in P. xi, paragraph 1.

As to claim 18, Epixtech teaches the method as claimed, wherein the web page is checked cyclically for accessibility, and the link for the web page is excluded from the dynamically generated portal page is response to the page not being accessible (P. 2-3; P. 1-12, [1-2]; P. 3-37).

As to claim 19, Epixtech teaches the method as claimed, wherein the comparison is repeated at intervals of time, and wherein the result of the repeated comparison is used to generate the portal page (P. 2-3, Fig. right most caption, P. 3-96).

As to claim 20, Epixtech teaches the method as claimed, wherein the user data record is updated, wherein after the update the comparison is performed again, and the portal page re-generated (P. 3-7, Fig., P. 4-62; P. 3-45, #2).

As to claim 23, Epixtech teaches the method as claimed, wherein the content data record and the user data record are each a structured document, and wherein the content data record comprises the address of the associated web page. (P. 1-17, last 5 lines, P. 1-18, Fig)

However, Epixtech does not explicitly teach wherein the web page is associated via including the address of the content data record.

On the other hand Gralla as applied above teaches, wherein the web page is associated via including the address of the content data record (including steps 1 and 3, P. 164).

As to claim 24, Epixtech teaches the method as claimed, wherein the content data record and the user data record are created in XML format, and wherein the structure of the content data record and of the user data record is respectively stipulated in a description data record (P. 4-126, table last row, #2, first bullet, P. 3-93, [1-2]).

As to claim 25, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record (P. 1-11, including “Search”; “My Account”, P. 1-15; P. 1-18).

As to claim 26, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record (P. 1-12, bottom Fig.).

As to claim 36, Epixtech teaches the method as claimed, wherein a plurality of displayable links associated with the requested web pages are displayed on the portable page (P. 1-12, 1-13, Fig. of web page screen shot).

However, Epixtech does not explicitly teach the receiving a first request message, the sending a second request message and receiving the response message are repeated for each of a plurality of web pages requested by the end user.

On the other hand, Gralla as applied above teaches the receiving a first request message, the sending a second request message and receiving the response message are repeated for each

of a plurality of web pages requested by the end user (including steps 1-3, P. 164-165, also P. 15, step 5-retransmission under TCP/IP).

As to claim 38, Epitech teaches an system for setting up and updating a portal for an end user (including “a patron”, P. A-4, definition; including letting users change their PIN on P. 3-104, Col. 2, Cell Row 5) to access web pages in a data network via the portal page (P. 1-12, Fig.), comprising: a web server appliance (including “iPac provides your library users with a World Wide Web-based interface for searching your library catalog system”, P. 1-3, paragraph 1) comprising: a web page having an address of an associated content data record (including “Call 250 COMP”, P. 1-12, bottom left of Fig), and the associated content data record that describes a content on the respective web page (including “Companion to Shakespeare’s Hamlet”, P. 1-12, item #3, Fig); a proxy server appliance communicatively coupled to the web server appliance and to a computer of the end user (including “a patron”, P. A-4, definition; interpreted letting users change their PIN on P. 3-104, Col. 2, Cell Row 5), the proxy server appliance having a storage area for storing a copy of the web page (P. 2-9, including “Administration Tool...generates reports for all the iPac Libraries”); a portal server appliance that manages a dynamically generated portal page and communicatively coupled to the web server and to the proxy server, the proxy server appliance comprising: a database that stores data fields of the associated content data record, a comparison unit that compares the data fields with a user content data record from the user computer, wherein the proxy server appliance receives a request for the web page by the user computer and determines if the web page is stored in the proxy server appliance, (an optional conditional limitation not required to meet the claim) in

response to the page not being stored, the proxy server appliance retrieves the web page from the web server appliance and subsequently stores the web page, wherein the proxy server appliance sends the address of the associated content data record to portal server appliance in response to retrieving the web page, wherein the portal server retrieves the associated content data record from the web server and stores the data fields of the retrieved record in the database, wherein the portal server appliance receives the user data record from the user computer and the comparison unit compares the user data record with the data fields in the database, wherein in the portal page is dynamically generated to include a displayable link to the web page when the comparison result at least meets a previously defined minimum (P. 3-23, Col. 2, Row 4, P. 4-71, #1, table, Row 3, Col. 1; also “Z39.50 connection”, P. 4-71, item #5).

However, Epixtech does not explicitly teach wherein the proxy server retrieves the web page from the web server and subsequently stores the web page in response to the web page not being stored.

On the other hand, Gralla as applied above teaches wherein the proxy server retrieves the web page from the web server and subsequently stores the web page in response to the web page not being stored (P. 169, steps 1-3).

As to claim 41, Epixtech teaches wherein the associated web page for a content data record having the best match with the user data record is displayed at a prioritized or prominent position on the portal page, wherein the web page is associated via including the address of the content data record (including Fig., P. 1-12, or email of results as shown at the bottom of the figure on P. 1-13).

As to claim 42, Epixtech teaches wherein the web pages and the content data records are stored on at least one web server, and wherein the content data records are retrieved using data record addresses which are respectively associated therewith (P. 1-12, 1-13).

As to claim 43, Epixtech teaches the system as claimed, wherein the portal server retrieves the associated content data record in response to information in the associated content record not being stored in the portal server database (including “interlibrary loan”, P. 3-25, Table, Col. 2, Cell Row 5, Bullet #4 or “Add a Library Connection”, step 4, P. 4-71).

Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech and Gralla as applied supra and in further view of Raciborski et al., US Pre-Grant Pub. No. 2001/0051980 A1, Filed 29 May 2001, Pub Date 13 Dec 2001, hereinafter Raciborski.

As to claim 40, Epixtech does not explicitly teach the method as claimed, wherein a most requested web page is displayed at a prioritized or prominent position on the portal page.

However, Raciborski teaches the method as claimed, wherein a most requested web page is displayed at a prioritized or prominent position on the portal page (including a non-functional descriptive design choice, ¶ [112]).

The choice of prominence of the position on the portal page is taken as official notice that its elevation as content on a web page is conventional and known thus the choice of whether this appears on a portal page or other page is deemed to be a design choice).

Epixtech in view of Gralla and Raciborski are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Epixtech in view of Gralla and Raciborski because it provides for an improvement in the quality of service (QOS) as discussed in paragraph 34 of Raciborski.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Epixtech in view of Gralla and Raciborski because it provides for an improvement in the quality of service (QOS) as suggested in paragraph 34 of Raciborski.

As to claim 44, Epixtech does not explicitly teach the system as claimed, wherein the information is deleted in portal server database after a preset expiry time.

However, Raciborski as applied above teaches the arrangement as claimed, wherein the information is deleted in portal server database after a preset expiry time (§ [119]).

Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epixtech and Gralla as applied above in further view of Itoh, (US 2002/0112000 A1), hereinafter Itoh.

As to claim 45, Epixtech does not expressly teach wherein the data area not be displayed is included in the HTTP header portion of the web page.

However, Itoh teaches wherein the data area not be displayed is included in the HTTP header portion of the web page (§ [258], "data...a form record", § [262], "GET method of HTTP", § [264], "input tag...type attribute is hidden", Fig. 19).

Epixtech in view of Gralla and Itoh are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Epixtech in view of Gralla and Itoh

because it provides for preparing an image to be outputted based on the prepared action identification code as disclosed in Itoh, paragraph [63].

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Epixtech in view of Gralla and Itoh because it provides for preparing an image to be outputted based on the prepared action identification code as suggested in Itoh, paragraph [63].

As to claim 46, Epixtech does not expressly teach wherein the web page includes a HTTP header portion and the HTTP header portion includes the address of the associated content data record such that the address of the associated data record is not displayed.

However, Itoh as applied above teaches wherein the web page includes a HTTP header portion and the HTTP header portion includes the address of the associated content data record such that the address of the associated data record is not displayed (§ [258, 264], Fig. 19).

Response to Arguments

Applicant's arguments have been fully considered and withdrawn when persuasive and maintained when not persuasive.

Rejection under 35 U.S.C. §101

Under present evaluation, the appliance is necessarily a physical article and statutory. Therefore rejections under 35 USC 101 are withdrawn.

Rejection under 35 U.S.C. §112

On page 8, paragraph 3, Applicant argues that the subject matter of claim 40 was previously presented in claim 27 in the preliminary amendment. However, preliminarily amended claim 27 submitted on 31 March 2005 recites “most selected information page displayed at a prioritized or prominent position on the user interface” which does not fully support more specific items shown in instant claim 40 such as “a most **requested web** page is displayed at a prioritized or prominent position on the **portal page**”. Therefore the 35 USC 112, 1st paragraph rejection of claim 40 stands.

Rejection under 35 U.S.C. §102

On page 9, paragraph 6, Applicant argues that Epixtech’s web page (P. 1-12) must be determined prior to entering the user data record since it contains the “add to my list” button. However, Epixtech teaches at the bottom-right most corner of P. 1-12, “Users can add items to a bibliography list and send it by e-mail”. If users have an account with the library, users can also “save or print the list” or “users can place a hold request”. These teachings indicate a dynamically created list of books that is not determined until after the user finishes presses the “Add to my list” buttons. Therefore the rejection of claim 39 stands.

Rejection under U.S.C. §103

On page 10, paragraph 5, Applicant argues that there is no suggestion by Epixtech to search for any data outside the database used by Epixtech. However, Epixtech teaches on P. 3-102 (section 3, page 102), header recites a counterexample of “enabling IPAC features in

Dynix” with Dynix being outside of Epixtech. Note that IPAC also helps users searching for physical articles in the form of books outside of the database used by Epixtech. Therefore the rejections of claims 17-20, 23, 24, 36, 38, 41-43 stand rejected.

For at least the reasons above, all pending claims stand rejected.

Conclusion

Applicant's amendment necessitated the amended citations (or new ground(s)) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (September 2007) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is (571) 270-1015. The examiner can normally be reached on Monday through Friday, 10 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://www.uspto.gov/ebc/index.html>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit
2168

Joseph D. Wong
TTV/jdw

Tim T. Vo
SPE, Art Unit 2168

/JDW/

16 July 2008

